

**REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicants thank the Examiner for returning the initialed Information Disclosure Statement and for carefully considering this application.

**Disposition of the Claims**

Claims 1-18 were pending in this application. Claims 19 and 20 are newly added by way of this reply. Claims 1, 13, 14, 17, and 18 are independent. The remaining claims depend, directly or indirectly, from claims 1 and 14.

**Claim Amendments**

Claims 1, 2, 6, 9-15, 17, and 18 are amended by way of this reply. Specifically, claims 1, 13, 14, 17, and 18 are amended to clarify the invention. Claims 2, 6, 9-12, 15, and 16 are amended for consistency with the amendments to claims 1, 13, 14, 17, and 18. No new subject matter is added by way of these amendments as support may be found, for example, in paragraphs [0023] and [0038] of the Specification as filed.

**Rejection under 35 U.S.C. § 101**

Claims 14-17 stand rejected under 35 U.S.C. § 101 as being directed toward non-statutory subject matter. Independent claims 14 and 17 have been amended to clarify that "the first operating system executes on a processor" and, thus, is now directed to statutory subject matter. Dependent claims 15 and 16 also recite statutory subject matter for at least the same reasons as amended independent claim 14. Accordingly, withdrawal of this rejection is requested.

**Rejections under 35 U.S.C. § 102**

Claims 1-8, 14, 16, and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 6,889,376 ("Barritz"). To the extent that this rejection applies to the amended claims, this rejection is respectfully traversed.

In order to establish anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. See MPEP § 2131. Applicants assert that Barritz fails to disclose all the limitations of amended independent claims.

In particular, amended independent claims 1, 13, 14, 17, and 18 are directed to installing an application in a zone environment. Independent claim 1 requires, in part, that a global zone executes on a **first operating system**. The global zone includes a non-global zone. The execution environment of an application in the non-global zone is a **partition of the first operating system**. An application zone package is obtained by packaging the non-global zone with the application. The application zone package is deployed in a target global zone. The target global zone executes on a **second operating system**. The deployment creates an installed application in a target non-global zone in the target global zone. The execution environment of the installed application is a **partition of the second operating system**. Amended independent claims 14 and 18 include similar limitations to amended independent claim 1.

Applicants respectfully assert that Barritz fails to teach at least one limitation of claims 1, 14, and 18. In particular, Barritz is completely silent with respect to the execution environment of an application is a partition of an operating system. In fact, Barritz is completely silent with respect to partitioning operating systems. Therefore, Barritz cannot be used to teach "an

execution environment of the installed application is a partition of the second operating system” as required by the claims of the present invention.

In view of the above, claims 1, 14, and 18 are allowable over Barritz. Dependent claims 2-8, and 16 are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

### **Rejections under 35 U.S.C. § 103**

Claims 9-13, 15, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable Barritz in view of VMware VirtualCenter User’s Manual (“VMware”). To the extent that this rejection applies to the amended claims, this rejection is respectfully traversed.

“The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in KSR noted that the analysis supporting a rejection under 35 U.S.C. § 103 should be made explicit.” MPEP § 2143 (referring to KSR Int’l Co. v. Teleflex Inc., 550 U.S. \_\_\_, 127 S. Ct. 1727 (2007)). The analysis presented by the Examiner to support the rejection of the claims under 35 U.S.C. § 103 in the Office Action dated December 13, 2007, indicates that the Examiner found no differences between the cited prior art and the claims besides a lack of the actual combination of the elements in a single prior art reference, *i.e.*, that the Examiner is relying solely on the teachings of the prior art. *See, e.g.*, MPEP § 2143(A). Applicants respectfully assert that all of the elements of the amended claims are not found in the cited prior art.

Specifically, as discussed above, Barritz fails to teach or suggest that an execution environment of an application in a non-global zone is a partition of an operating system on which

the global zone executes. VMware fails to teach or suggest that which Barritz lacks. In particular, VMware teaches a virtual machine environment. In VMware, virtual machines execute on a host. A virtual machine is a "personal computer environment in which a guest operating system and associated application software can run." See VMware Chapter 1, p. 15. Thus, the execution environment of applications in a virtual machine is **not a partition** of an operating system as required by the claims of the present invention, but rather a **separate operating system** (*i.e.*, the guest operating system).

In view of the above, Barritz and VMware, whether considered together or separately, fail to teach all of the limitations of claims 1, 13, 14, and 17. Dependent claims 9-12, and 15, which depend directly or indirectly from claims 1 and 14 are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

#### **New Claims**

Claims 19 and 20 are newly added by way of this reply. No new matter has been added by claims 19 and 20 as support may be found, for example, in paragraphs [0024] and [0025]. Further, claims 19 and 20 depend from claim 1 and are allowable for at least the same reasons. Favorable consideration of claims 19 and 20 is respectfully requested.

**Conclusion**

Applicants believe this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 03226/414001; SUN040642).

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